

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-00068-BO

YOLANDA IRVING, et al.,

Plaintiffs,

v.

THE CITY OF RALEIGH, et al.,

Defendants.

**JOINT MOTION FOR A CONSENT
PROTECTIVE ORDER FOR
CONFIDENTIAL MATERIALS**

(Local Civil Rule 101.2)

Plaintiffs and Defendants (the “Parties”), pursuant to Local Civil Rule 7.1 and Fed. R. Civ. P. 26(c), respectfully request that the Court enter the attached Consent Protective Order governing confidential materials to allow access to certain materials that, if released, could invade privacy rights, impede law enforcement efforts, violate State law restrictions preventing disclosure without an appropriate Court order, and pose a security risk to sworn officers within the Raleigh Police Department and to members of cooperating local, State, and federal law enforcement agencies. In support of this request, the Parties show the Court as follows:

1. This action arises out of the procurement and execution of a search warrant obtained by former Raleigh Police Detective Omar Abdullah based on information provided by Dennis Williams, a confidential informant.

2. The search warrant at issue in this action authorized the search of 1628 Burgundy Street, Apartment B, which was the home of Ms. Yolanda Irving, her family, and a visiting minor, all of whom are plaintiffs in this action. Officers also entered the home of Ms. Kenya Walton and her family, the remaining plaintiffs, at 1628 Burgundy Street, Apartment A.

3. The Parties jointly seek entry of a Consent Protective Order to allow access to certain materials that, if released, could invade privacy rights, impede law enforcement efforts, violate State law restrictions preventing disclosure without an appropriate Court order, and pose a security risk to sworn officers within the Raleigh Police Department and to members of cooperating local, State, and federal law enforcement agencies.

4. Given the nature of Plaintiffs' allegations in this action, the Parties anticipate that providing these materials to counsel appearing of record in this action could assist in alternate dispute resolution efforts, expedite the flow of discovery materials, facilitate the prompt resolution of discovery disputes, as well as disputes concerning confidentiality, protect those materials designated as confidential ("Confidential Materials"), and ensure that protection is afforded only to materials so designated.

5. The protective order covers a limited type of materials. Only the following documents and/or information may be designated as "Confidential Materials" pursuant to the proposed Order:

- a) any party's personal financial data;
- b) any party's medical or pharmacy records, and other documents including health-related information;
- c) records relating to any criminal offenses or infractions committed while any party was a minor or for which any party has obtained an expungement order under North Carolina law;
- d) juvenile justice records relating to any minor plaintiff, specifically including probation records;
- e) education records for any minor plaintiff, including disciplinary records;

- f) personal information of the City's employees or former employees, including, but not limited to: Social Security numbers, tax information, and health insurance/health-related information;
- g) portions of personal or personnel information and records of the City's current and/or former employees that are subject to N.C.G.S. § 160A-168, but not to the extent that these statutes provide such information in personnel files to be matters of public record;
- h) information and/or documents that constitute or contain records of criminal investigations or records of criminal intelligence information as defined by N.C.G.S. § 132-1.4;
- i) information and/or documents containing Sensitive Public Security Information as defined by N.C.G.S. § 132-1.7; or
- j) information and/or documents that disclose law enforcement techniques, guidelines, and/or procedures if disclosure of such information and/or documents could reasonably be expected to risk circumvention of the law, endanger witness and law enforcement personnel, or hinder law enforcement's ability to conduct ongoing or future investigations.

6. Among the "Confidential Materials" contemplated by this Agreement are personnel records and criminal investigative or criminal intelligence information records protected from disclosure by North Carolina laws, including certain juvenile justice records, records relating to criminal offenses or infractions committed while any party was a minor, information obtained through the Division of Criminal Information ("DCI"), and personnel materials protected under

N.C.G.S. § 160A-168. Subject to the terms, conditions, and procedures set forth herein, the proposed order authorizes the City of Raleigh to release and disclose

- a. information and documents contained in the personnel files of employees, former employees, or applicants for employment;
- b. records of criminal investigations concerning any party to this litigation, including records subject to a State Court expungement order, juvenile justice records, records relating to criminal offenses or infractions committed while any party was a minor, and information obtained through DCI;
- c. records of criminal investigations concerning persons who are not parties to this action that is not subject to an expungement order, including information obtained through DCI; and
- d. records of criminal intelligence information,

in order to provide documents or information that the City of Raleigh determines is necessary to comply with formal or informal discovery requests in this litigation. Notwithstanding the foregoing, the proposed order does not prejudice the right of the City of Raleigh or any party to object to discovery or admissibility on any grounds other than the lack of a Court order authorizing disclosure.

7. Counsel for the Parties stipulate and agree that good cause exists for the Court's entry of the proposed Consent Protective Order.

8. In addition, the Parties and counsel for the Parties stipulate and agree to be bound by the terms of the proposed Stipulated Consent Protective Order.

WHEREFORE, by consent and for good cause shown, the Parties jointly and respectfully request that the Court grant this motion and enter the proposed Consent Protective Order filed contemporaneously with this motion.

Respectfully submitted, this the 21st day of September, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2022, I electronically filed the foregoing Joint Motion with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

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Respectfully submitted,

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